

Fairways of Sherrill Park HOA 2013-2014 Planning Committee Report

Summary

The Planning Committee notes the most important issues facing our community in the next few years are likely to be appearance, amenities, nearby development and security:

1. **Growth:** Development along the Renner Rd/GBush Tpk (SR-190) strip from Wyndham Ln to Central Xpwy (US-75). See section (3), below.
2. **Appearance:** Neighborhood upkeep, beautification and capital improvements. See sections (1) and (9), below.
3. **Security:** Increased crime (increased from near-zero), which should be expected as a result of the above development and general urban growth and aging. See section (6), below.
4. The Planning Committee also notes the following, ongoing items:
 - a) Neighborhood cohesion and general enjoyment of our community by all of our neighbors.
 - b) Surveys to determine neighborhood interests and demographics.
 - c) Recognizing our *de facto* rules and applying them in a fair and consistent manner.
 - d) Traffic congestion and mitigation along Renner Rd and Plano Rd.
 - e) Barrier enhancements to shield from Renner traffic and Development.

Sections (1), (3) and (9), below, address the issues most critical to our future property values. Sections (4), (10) and (11) address financial matters including dues. The Committee recommends the following action items and contingency plans and notes the following items of interest for the FoSP HOA:

1. **Neighborhood Improvement Survey.** The Planning Committee usually meets near the end of the year to take stock of general issues and opportunities before the Association. This year the Planning Committee met early in the year to conduct a survey of the Members. The survey was to determine relative interest in various improvements, for the purpose of helping to determine which may be worth investigating further.

The survey was a huge success, because over a third of the neighborhood responded. This has never happened before; usually, only a few Homeowners respond to such efforts. Such large sampling of the neighborhood indicates the results are a very meaningful indication of our general priorities.

These concepts were listed as single words or brief phrases. To actually execute such concepts will require:

- a) Volunteers to work on them.
- b) Developing a detailed proposal that addresses all issues and concerns.
- c) Feedback from the neighborhood.
- d) Review and decision of the HOA Board.

While the survey results indicate general level of interest, this alone does not determine what will be done. If no volunteers step up to work on a project, or if we cannot find a way to make it feasible, then it will not happen, even if it is at the top of the survey. Some things are more expensive or controversial; we may not go forward if there is strong resistance or concern regarding a project, even if it is very popular among many Homeowners. If a project has many volunteers willing to work on it, little

opposition (meaning it is widely thought of as benign), and low cost, then it may be done while bigger and more popular projects are still under consideration.

Since the intent and proper use of the survey is to establish general priorities of interest, and not to serve as a mandates to proceed on any particular project, it would be a mistake to use the survey as an excuse to turn away willing volunteers for a low-cost project that benefit the neighborhood.

Also note that certain items were intentionally left out of the survey, because they have established priorities. The survey items are improvements that can be done for the neighborhood. However, issues such as Upkeep of property, general maintenance and appearance of the subdivision, and neighborhood security, are important and/or obligatory regardless of whether we do these additional things. This includes smaller expenses and attention to neighborhood cleanliness, including trash receptacles and dog poop signs; these may be added or re-arranged without a survey.

"Address all issues and concerns" means costs, location, options, appearance, maintenance, liability/risk, appropriate use, and any other issues that were raised. (The survey encouraged write-in responses; many Homeowners provided specific concerns and/or other potential improvements that were not listed on the survey.) These must all be addressed in a clearly written proposal, and that must be reviewed by both the HOA and the neighborhood, before a project can move forward.

If someone is concerned that attention will not be given to an issue, then they are welcome to send an email to make sure it is addressed in such a future proposal. They can also volunteer to work on the project and attend meetings about that particular project. While we hope for more volunteers, it is not required to make this effort just to make sure a concern is noted and addressed. We are carefully logging and tracking all issues for all concepts. There will be ample opportunity to review any proposal to confirm this has been done in a satisfactory manner and to ask for further consideration.

However, it is not feasible to take time to consider specific objections to individual concepts that are not yet being developed at general meetings where no one is versed in these details.

Survey Results. Here are the survey results in order of rank:

From the list of the survey items below,

	This many neighbors chose, as their					Some just put an X	Total picks (X to 5)	Rank
	1 st	2 nd	3rd	4th	5th			
Additional street lights.	26	11	8	6	5	3	59	1
Open-air cookout/event pavilion/gazebo with water/gas/electricity.	9	10	12	10	10	2	53	2
Playground equipment.	17	10	10	4	3	1	45	3
Flowers/shrubbery/landscaping for common areas.	7	10	12	5	7	1	42	4
Additional trees for common areas.	2	10	9	9	10		40	5
Tennis court with basketball hoops.	7	7	10	12	2		38	6
Carriage lights along some streets or common areas.	2	8	7	10	9	1	37	7
Flagpole at main entrance.	5	5	5	8	5	3	31	8
Dog park.	5	7	4	5	6		27	9
Drainage improvement, landscaping for Primrose common area.	3	3	4	7	4	3	24	10
Exercise stations on common areas.	1	4	5	4	8	1	23	11
Xeriscape (dry landscape) some common areas.	7	3	4	6	2		22	12
Basketball half-court.	4	6	2	3	5		20	13
Neighborhood vegetable garden.	2	5	5	4	1		17	14
Baseball/softball diamond.			1	1	2		4	15
Some neighbors wrote in other items to pick:	13	5	4	2	6		30	
Total picks (not everyone used all five picks):	110	104	102	96	85	15	512	
Number of participants:	114					4	512	

Survey Notes:

- a) Adding more street lights (rank 1) is far out in front. Since this probably indicates a desire for more general lighting in the neighborhood, other measures (such as carriage lights) that achieve this might perhaps also be considered as highly desired (as rank 1). Carriage lights in just a few places (perhaps where lighting is not an issue) for beautification should be considered as rank 7.
- b) Rank was determined by total number of responses indicating a project in their top 5. Picks for most projects were distributed fairly evenly from 1st to 5th pick. However, both (1) more street lights and (3) a neighborhood playground received much greater weight as 1st and 2nd pick, indicating that Homeowners who are interested in these items tend to want them substantially more than other things.
- c) Three items – a playground, a dog park, and a neighborhood garden are notable in that they will provide a focal point to bring neighbors together – permanent family activities, so to speak.
- d) Preliminary indications suggest that these three items also tend to have more ready volunteers committed to work on them.
- e) Facilities that would entail greater expense and change the character of the neighborhood (a swimming pool or indoor club house) were not considered. Larger items among those listed should be looked at very cautiously for similar reasons.
- f) Similarly, low cost features for which there is little to no opposition can be considered, even though they may not have ranked at the top. Flag poles and neighborhood garden may be examples.
- g) As a practical matter, it is worth reiterating that which proposals are executed and when will depend largely on those volunteers who step up. All volunteers should accept that writing a good proposal does not necessarily mean the neighborhood or the HOA will invest in a project. It is up to you to persuade your neighbors.
- h) A list of write-in items will be added later; it is left out now only due to time constraints in preparing this report.

The primary mandate of the HOA is property values and quality of the neighborhood. If research indicates an improvement is likely to raise our property values, then it should be given greater consideration. It is critical to consider how much a particular improvement will actually be used in both the near and long-term future. It is important to do things well; we must seek good pricing for quality; but if it costs too much to do something well, then it should not be done.

2. **Informal Demographic Survey.** An informal demographic survey was conducted to determine how many neighbors are:

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| a) New families, including young couples with infants or who plan to start a family. | 14 | (7%) |
| b) Young families with children under 12. | 52 | (27%) |
| c) Families with children over 12. | 38 | (20%) |
| d) Working people with no children living at home. | 59 | (31%) |
| e) Retired people. | 20 | (10%) |
| f) Retired people with grandchildren in the neighborhood or who visit frequently. | 9 | (5%) |

This survey included roughly 70% of the neighborhood (192 of 280 Homeowners); this is a very significant sample. It is also of interest that 30 of 45 new neighbors (roughly 67%) that moved to our community in the past five years are new or young families. This means that our neighborhood may be getting younger in some respects.

Two concerns were raised regarding this survey. One concern was that people may draw invalid conclusions. For example, the number of new and young families might lead people to conclude that we

need a playground. This would be an invalid conclusion. There are Homeowners with children, who do not believe a playground is appropriate for this neighborhood. There are some families who would not use a playground (perhaps largely because of time constraints). There are working and retired people who believe a playground would be a nice feature for the community and would raise our property values (although they would not use it).

This survey provides useful supporting information, but not clear guidance as to what people want or what would be good for the neighborhood. That is why we conducted the other survey that asked what ideas people like, and that is why we must also develop detailed proposals to determine what exactly a project would mean for the neighborhood and then decide if that is truly something we want.

It was suggested that we should not have a survey like this, in order to prevent our neighbors from drawing invalid conclusions. I do not believe it is proper to suppress good information because people may draw erroneous conclusions. I believe the right thing to do is to obtain good information and then suggest what reasonable conclusions we can reach and how to avoid mistakes. After all, we are all intelligent people.

The second concern was related to privacy. Some believe this information intrudes on individual privacy. I do not understand this concern, because these results present no information at all about individual families. I sincerely hope no one feels the numbers posted above reveal any private information or personal details.

- 3. Update on Recent Re-Zoning and Further Development.** In December of 2012, KDC purchased most of the tracts along the North side of Renner Rd., after approval of their request for Re-Zoning. KDC is a developer that has completed several successful and very well done commercial developments in Richardson.

The TOD (transit-oriented development) tract on the west side of Plano Rd. was re-zoned to allow a more monolithic (less broken-up) arrangement, in order to suit the needs of State Farm for a new office complex. Since then, construction has proceeded rapidly. The tracts along Wyndham were re-zoned to allow taller office buildings (up to five stories) for a corporate campus. The NW tract along PGBT (SR-190) and the east side of Plano Rd was re-zoned to allow approximately 2000 apartments.

These developments may be very positive for our community. Business offices are one of the most benign uses of adjacent land, in terms of impact to adjacent residential neighborhoods. A major office complex such as this will bring many jobs to this locale, and may benefit our property values. This advantage could be increased by improving our neighborhood, which could accelerate a lift of property values and guard against negative impact. The large number of rental properties in the NW tract is a potential problem.

Apartment Development East of Plano Rd. FoSP HOA and Sherrill Park North petitioned for changes to this Re-Zoning. The result was an additional 20 feet added to the set-back for five-story buildings along Renner Rd, and a commitment from the Developer to some form of barrier planting in the Renner median.

Rumors. The following is only hearsay. Nothing official has been released regarding such developments, which may or may not come to pass.

Development has been delayed for over a year on the tract north of our subdivision, along SR-190 and the west side of Wyndham Ln. It has been rumored that talks were originally under way with **Raytheon** to build a corporate campus there and eventually expand into the tract right across from us along Renner Rd. More recently it has been suggested that **Samsung** was considering a US corporate headquarters campus either at this site or along Central Xpwy (US-75) north of Campbell Rd.

It has been said that talks are under way for an upscale grocery store at the northeast corner of Renner Rd. and Plano Rd, most likely **Whole Foods**.

"The Woods" along the south side of Renner Rd. west of Plano Rd. may undergo development soon. The likely use is not yet known, although it has been suggested that a shaded retail/restaurant complex would enhance this part of town. This development will not impact the public trails south of this property.

4. **Accounting and Treasury Matters.** The Committee recognizes (with thanks) that the current Treasurer, Daniel Balley, has continued to restore and improve the finances of the HOA.

Our dues have remained at \$370 per annum for the past four years. We have restored and increased the HOA's reserve funds above \$80,000. This year the HOA Finance Committee recommended reducing dues to a level that would just cover operating expenses and maintain reserves at roughly the current level. However, invoices were sent in the amount of \$370 by decision of the President, and the HOA Board chose to allow this to stand.

5. **Neighborhood Spirit.** Three years ago, the Association finally resolved divisive issues and events of prior years by concluding a final settlement. The Committee recommends that the Association continue to foster further mending and cohesion of the neighborhood, and the Activities Director consider sponsoring additional social events and activities (building on the recent successes), such as Movie Night, adult social event, neighborhood dinner, and/or Block Parties.

6. **Crime Prevention.** The Committee offers several long-term recommendations for neighborhood:

- a) **Crime-Watch Patrols:** This is a Police and Community Volunteer effort that is not under the jurisdiction of the HOA. However, it is of interest to the Association, as it is the most effective measure we can take to promote our safety and security in the long term, and it must be undertaken by volunteers in the community. The Association and neighborhood residents should continue to encourage increasing participation in this excellent and effective measure.
- b) **Surveillance cameras:** Installed at the entrances to the neighborhood, these would provide deterrence and 24 to 72 hours evidence on request of Richardson Police (RPD).
 - i) A resident would need to host a server to store the video feed, but it would not require monitoring or much administration.
 - ii) A critical success factor is clear images (primarily of license plates) under all lighting conditions.
 - iii) Because we have only four entrances to the neighborhood, a limited number of cameras would cover all vehicle traffic. When a crime occurs, we can provide the police with video on request.
 - iv) There is no legal obligation to get permission of residents, although it would be appropriate and desirable to get input from the neighborhood.
 - v) Dummy cameras with warning signs would provide a deterrent at lower cost. These would also constitute a "test case" for neighborhood reaction.
 - vi) The primary issues with video cameras are expense (which is not prohibitive) and whether many homeowners prefer not to have such monitoring.
- c) **Campaign for Responsible Prevention:** Most break-ins can be prevented by taking simple steps recommended by RPD, such as keeping garage doors closed, locking cars and removing or concealing valuables. The HOA should conduct periodic campaigns for resident awareness and compliance.
- d) **Night Security:** Many break-ins take place between 11 PM and 6 AM. Crime Watch volunteers tend not to patrol during this time; in fact, these hours are a problem just because this is the time when witnesses are least likely. RPD does patrol our neighborhood at night, and we can ask for more. If this is insufficient to prevent crime, then we would have to pay someone to patrol.

A professional security guard would be expensive, and we may prefer to not have third-party, uniformed security.

When we start seeing more night-time crime, then we could offer to pay a neighbor (or several) to make regular patrols – doing exactly as the Crime Watch Patrol volunteers, but with fixed hours

instead of as available. This local, unarmed security should cost much less than a uniformed security guard. In effect, the HOA would be paying someone to perform CWP on a schedule during the hours when it is most needed and no one is willing to volunteer.

Some measures can and should be taken as soon as possible. We should continue to encourage neighbors to volunteer for Crime Watch Patrol. As incidents occur, interest and willingness to participate may increase. New neighbors may be more willing. (Get 'em before they get busy or complacent!) We can conduct campaigns for secure mailboxes and responsible prevention.

Other measures require more effort and/or expense. Surveillance cameras could be deployed in the near or middle future. We probably won't pay for night security or ask for speed traps (see below) until we have more problems. Crime will become a major issue in the next three years, as more jobs and rental properties are located between us and the freeways.

7. Neighborhood Communications. The Committee recommends:

- a) A quarterly (or so) update on status of the neighborhood email list for the HOA Board of Directors in the form of a list of neighbors to whom we do not send email. Since email coverage has been expanded to include approximately 90% of the neighborhood, this will allow the Association to communicate important information to the remaining 20 to 30 neighbors by delivering written notices of the most important items to their doors. (The point is: 150 was too many for paper; but we can easily handle 20, if we know who they are.)
- b) While not a recommendation per se, when certain emergencies come up (such as the power outage on Primrose a few years ago), then we could use the e-mail venue to notify non-impacted neighbors of the situation in case they might be able to help. The HOA should also be more proactive when possible, in terms of providing help and comfort (such as basic beverages (coffee/water/lemonade) to the stricken areas of the community, and perhaps locating refrigeration for temporary storage).

8. Web Site:

- a) The Committee notes with thanks that the HOA Webmaster, John Fritsche, has done a wonderful job renovating and building the HOA web site.
- b) The Committee notes that HOA minutes and financial statements are currently e-mailed to neighbors and are now available on the web site (behind the login to restrict access from the general public). Properly maintained, these can become archival documents for the HOA and enhance communication and transparency. Other forms could also be placed here, such as annual dues notices, nomination forms, proxy forms, etc. This also brings us into compliance with recent Texas state legislation.
- c) Nextdoor.com now provides a community social network for many neighbors. This could prove very beneficial to the neighborhood and server several functions that cannot be handled as well via a local web site (such as neighborhood classified advertisements and referrals).
- d) We should routinely promote the HOA web site and FoSP Nextdoor.com by sending neighborhood emails about new features or content, asking neighbors to "Visit our [website](#)", and providing the login credentials.

9. **Physical Improvements and Upkeep.** There are many ways in which we can improve the Common Areas and the neighborhood borders and entry ways. The appearance of the neighborhood probably has the largest impact on our property values (after Development north of Renner), and the appearance of individual properties has a much greater effect than the shared assets. These elements will be particularly important in the next five years, as nearby urban Development draws many new residents to this area; however, quality of life and the wishes of Membership continue to be paramount.

Here are a few ways in which we can enhance the neighborhood:

- a) Replace fallen trees and plant additional trees in Common Areas; landscape; plant grass where sparse.
- b) Execute projects such as those listed on the recent Survey.
- c) Improve lighting for Common Areas and neighborhood streets.
- d) The City of Richardson has a Neighborhood Vitality program, which funds improvement and beautification of neighborhood entry ways and boundary structures, among other things. We should identify such improvements we would like to see in FoSP and apply for these awards.

The **Upkeep Initiative** has successfully encouraged many Homeowners to improve the exterior appearance of their properties, removing problems and bringing many properties up to the standards of our neighborhood.

10. **Sprinkler System.** The sprinklers system for the Common Areas is over twenty years old and may require major repairs or upgrade at some time in future. There is no immediate failure or urgent need, but we need to be ready for this when it comes. Such an upgrade (including the controller system) may cost on the order of \$20,000.
11. **Insurance.** Our D&O insurance is still a difficult situation, due to recent legal issues. Our previous carrier (Travelers) dropped us, and our current, inferior coverage costs \$5500 per year and has a \$20,000 deductible and other inadequacies. After another year or two, our recent claim will be beyond the look-back period, and we may seek better and less expensive

We recently signed over subrogation rights for our previous D&O carrier (Travelers) to seek compensation from our liability carrier (Philadelphia) in relation to our recent claim. This probably will have no impact on us; but we are waiting to see if it could result in Philadelphia raising our premium or denying coverage, or if it may result in other costs.

12. **Sidewalks.** One of the features of our subdivision is that it is an especially pleasant and safe neighborhood in which to walk. Many residents enjoy walking around the neighborhood, often with children. Therefore, it is important that our sidewalks are in good repair.

Our neighborhood is not "due" for City-sponsored general sidewalk repair for several years at best. The City of Richardson has indicated it may perform repairs on severe trip hazards this year (in addition to repairing issues in alleys and curbs). Most sidewalk issues in our neighborhood do not fall into this category.

The sidewalk repair contractor for the City has indicated they would offer a very economical rate if contracted to fix many of these smaller issues as a single job. This is a good opportunity for the HOA to enact such improvements at minimal expense.

13. **Outdated Covenants.** Our Deed Restrictions (also called Declarations, Covenants, or CE&Rs) are outdated and should ideally be amended. This could be an arduous task and finding willing and capable volunteers may be difficult. Amending the CE&Rs requires affirmative consent of 90% of the Membership. Also, the Association has functioned for the most part by tacitly identifying irrelevant or and dysfunctional provisions and in their stead following appropriate practices.

The Committee proposes the following general principals for distinguishing substantive from "immaterial" rules in the CE&Rs. It is important to have guiding principles, so that (1) we are not constrained by provisions that are no longer appropriate and (2) no one can simply go do something on their own by citing a rule that has been intentionally ignored for years, but on the other hand (3) rules regarding fairness and authority are not subject to disregard based on partisan agendas, personal interests, or hasty and ill-considered decisions that may inadvertently make our duties or our neighbors' lives more difficult rather than less so.

- a) When a rule has been effectively retired or modified based on several years of accepted practice without objection, then the practice rather than the written provision is effective. In effect, several sequential Boards of Directors (as well as the Membership) have tacitly agreed to the new practice.
- b) When a practice or rule change impacts all homeowners equivalently (or impacts all in a positive or benign manner and does no harm) – again without protest of infringement – then it may be construed to be generally accepted as above. (See item 4c of the Summary on page 1.)
- c) When disregarding or changing a rule in a manner not yet established by (a) or (b) serves some at the expense of others (in the view of any who object to the new practice), then the existing rule must stand unless properly amended in accordance with our governing documents.
- d) Rules regarding the conduct of the Association's business – especially regarding how decisions are made and most especially how volunteers are selected to make them – these rules must be followed unless properly amended in accordance with our governing documents.
- e) In the case of rules that are clearly intended to be effective together as a group (such as to provide checks and balances), it is unacceptable to disregard some of these rules while relying on others – Directors may not pick and choose rules in order to do as they please.

This is not a declaration that our governing documents no longer need to be amended, or that ignoring certain rules can legally supplant that process. Our deed restrictions remain in effect.

This is a recommendation to consider that the above principles may be superior to "everybody knows" or personal preference as practical guidance in serving the larger interests of the Association.

The duties of the Directors include asking our neighbors to follow the rules. If we do not follow the rules ourselves, then what standing do we have to perform this duty? By following these principles consistently, we can exemplify service to the neighborhood; thus, we can ask our neighbors to do the same.

The Association should at all times strive to both act and appear as impartial, fair, and in service of the interests of the Association and of all of the Members. We should avoid both action and appearance of ignoring or manipulating rules or otherwise inconsistent or self-serving behavior.